

Agenda Item B

Notification and Disposal



Introduction

Senate Bill 102 gives the DEQ the ability to establish notification and destruction requirements for homeowners to ensure proper removal and destruction of an uncertified stove upon home sale. DEQ wants to keep the notification requirements simple for homeowners, as they often have many other things to consider when selling their home. DEQ is considering a one-page form that homeowners can submit to DEQ, either electronically or via paper copy to certify the homeowner has complied with the notification requirements.

Background

In Oregon, there are a number of communities that currently have the uncertified stove removal upon home sale requirement and the notification requirements vary by area. In Jackson County, including six cities in the Medford-Ashland area, Bend, and Lakeview, the home owner is required to provide a copy of the disclosure form that an uncertified stove exists on the property. Jackson County and Bend require that a destruction certificate accompany the disclosure form, indicating the stove has been properly destroyed. The town of Lakeview only requires the disclosure form. Klamath County, while it has the uncertified stove removal requirement does not require the county be notified if the stove has been removed, only that the seller must disclose to the buyer that there is an uncertified stove on the property being sold.

Notification, Removal, and Destruction

Implementing the stove removal requirements involves several steps, starting with homeowner notification to stove removal and destruction, to DEQ notification.

1) Homeowner Notification

First, the realtor provides the relevant information to the home seller and/or buyer. Home sellers or buyers will be able to access the necessary information and notification forms online or through their realtor. Home sellers typically must complete a state mandated checklist of items that they must disclose or address (i.e., lead paint, underground storage tank) prior to selling a home. SB 102 added the disclosure of an uncertified woodstove to that list. Additional options for educating homeowners of the requirements and conducting outreach is discussed in the “Education and Outreach” paper.

2) Stove Removal

Stove removal can be negotiated between the buyer and seller. The real estate agency can provide information but is not responsible for ensuring stove removal. That is the responsibility of the home seller or buyer depending on their arrangement. Once the stove is removed and destroyed, DEQ must be notified and provided verification of the stove's destruction.

Questions for Consideration:

- 1) Are there other concerns regarding the removal of the uncertified woodstove?

3) Stove Disposal

To ensure proper disposal and destruction of an uncertified stove, homeowners could take their stove to a metal recycler, woodstove dealer, or DEQ-approved landfill operator. For rural areas, DEQ may want to work with local communities to find a place where homeowners can deposit their stove until a metal recycler or someone can stop by and make a pickup. The homeowner would receive a receipt which would be given to the homeowner to verify that the stove was destroyed. A copy of the receipt or some other verification would then need to be provided to DEQ as proof of destruction. It is important that home owners do not turn around and attempt to sell the uncertified woodstove. It is against the law to sell, offer to sell or advertise to sell an uncertified stove in Oregon.

DEQ will work with metal recyclers, woodstove dealers, and landfills, to ensure stoves that are dropped off are properly destroyed. DEQ will define in its proposed rulemaking what is meant by destroyed, which could include taking off the doors, putting a hole in the stove, or otherwise rendering the stove inoperable.

Questions for Consideration:

- 1) Should DEQ create an uncertified woodstove destruction form/receipt for all metal recyclers, woodstove dealers, or whoever accepts the stove), which would be given to the homeowner to verify that the stove was destroyed?
- 2) Should the form/receipt have a tracking number so a homeowner can enter the tracking number into the electronic notification form, as proof that a stove has been destroyed?
- 3) In lieu of a tracking number, should the homeowner electronically "sign" that they have removed and destroyed, have them hold onto the copy of the receipt in case DEQ wants confirmation?
- 4) Would metal recyclers would be willing to host periodic rural collection events?
- 5) Should DEQ provide information on its website providing resources for where homeowners could take their stove to be destroyed?

4) DEQ Notification - Reporting Options

Homeowners could submit notification that they have removed and destroyed the stove via two avenues – electronically or via paper form.

Electronic Submission

DEQ is considering an electronic reporting form that homeowners can fill out online and submit electronically. The form would indicate the home owner has removed and destroyed the uncertified stove. The form would also include language that indicates the homeowner, by inputting their name and submitting the document to DEQ, is providing his “electronic” signature on the document, certifying that the stove has been removed and destroyed. For each submission, the homeowner will receive an electronic response indicating he has successfully submitted his removal notification to the DEQ. The information will be inputted into a DEQ electronic database to help DEQ track the notifications, in case a home buyer wants confirmation that the seller has notified DEQ.

Paper Submission

For those homeowners who are not able to submit online or do not have access to the Internet, they can mail in a paper copy to DEQ. DEQ will enter it into the database and send a confirmation letter to the home seller, verifying that the notification was received.

Questions for Consideration:

- 1) Is this the best and easiest process to ensure notification to DEQ?
- 2) How can DEQ prevent fraud? Is there specific language that needs to be included in the forms?

